

Amendments to the Drawings:

The attached drawings sheets are formal drawings that replace the informal drawings.

REMARKS

In accordance with the foregoing, claims 1, 9 and 13 have been amended. Support for the amendments can be found in claim 7. Claims 17-22 have been withdrawn and claims 7 and 8 have been cancelled without prejudice. Claims 1-6 and 9-15 are currently pending, with claims 1, 9 and 13 being independent.

Election/Restriction

Applicant hereby affirms an election to proceed with claims 1-16, with claims 17-22 having been withdrawn from consideration.

Drawings

Formal drawings have been submitted to replace the filed drawings. No new matter has been entered. Applicant believes that the formal drawings should address any deficiencies noted by the Examiner and requests that the new drawings be accepted.

Rejection under 35 U.S.C. § 112

Claim 12 has been amended to address the Examiner's remark in regard to lack of antecedent basis and Applicant respectfully requests withdrawal of the rejection.

Rejections under 35 U.S.C. § 103

Claims 1-3, 5-8 and 13-15

Claims 1-3, 5-8 and 13-15 have been rejected under 35 U.S.C. § 103(a) over Minter (U.S. 5,295,577) in view of LeMaitre (U.S. 5,715,970). The Examiner suggests that it would have been obvious to one of ordinary skill to modify the storage system/media disk organizer of Minter to include multiple CD storage cases each having a pocket and a label insert/tray, the label including a first insert portion and an identifier tab, as taught by LeMaitre.

However, there is no suggestion in the references for the proposed combination. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. The mere

fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.

In addition, claims 1, 9 and 13 as currently amended recite elements not found in the combination of Minter and LeMaitre. Claim 1 recites a circular insertion card insertable within each pocket and an identifier tab extending from the insertion card to a position beyond an edge of the pocket when the insertion card is inserted in the pocket. Similarly, claim 9 recites first second and third circular insert portions, each insertable within respective pockets and each having respective identifier tabs extending beyond each pocket. Also similar, claim 13 recites providing a label having a circular insert portion and an identifier tab extending from the insert portion, the identifier tab being visible from outside of the pocket when the insert portion is inserted in the pocket. Thus, even if there was a motivation to combine, the combination of Minter and LeMaitre do not describe the apparatus and method of independent claims 1, 9, and 13. Applicant respectfully requests reconsideration and withdrawal of this rejection and the claims that depend therefrom.

Claims 4 and 9-10

Claims 4 and 9-10 have been rejected under 35 U.S.C. § 103(a) over Minter in view of LeMaitre, as applied to claim 1, in further view of Gelardi et al. (4,875,743). The Examiner suggests that it would have been obvious to one of ordinary skill to add the positioning of the tabs and a semi-circular tab shown in Gelardi to the combination of Minter and LeMaitre.

However, as mentioned above with reference to the rejection of claims 1-3, 5-8 and 13-15, there is no suggestion in the references for the proposed combination. And, even if a motivation to combine could be assumed, the combination of Minter, LeMaitre and Gelardi do not describe a circular insertion card insertable within the pocket and an identifier tab extending from the insertion card to a position beyond an edge of the pocket when the insertion card is inserted in the pocket, as recited in claim 1. Similarly, the combination of Minter, LeMaitre and Gelardi do not describe first, second, and third labels having first, second, and third circular insert portions and first, second and third tabs extending from left, middle, and right sides of the respective insert portions, as recited in independent claim 9. Applicant respectfully requests reconsideration and withdrawal of this rejection and claims depending therefrom.

Claims 11 and 12

Claims 11 and 12 have been rejected under 35 U.S.C. § 103(a) over Minter in view of LeMaitre and Gelardi, as applied to claim 9, in further view of Tracy (6,155,026). The Examiner suggests that it would have been obvious to one of ordinary skill in the art to add the perforated printable stock sheets for labeling CD-ROM jewel cases as shown in Tracy to the combination of Minter, LeMaitre and Gelardi.

However, as stated above, there is no suggestion for the proposed combination and even if a motivation to combine could be assumed, the combination of Minter, LeMaitre, Gelardi and Tracy do not describe first, second, and third labels with first, second, and third circular insert portions and first, second and third tabs extending from left, middle, and right sides of the respective insert portions, as recited in independent claim 9. Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim 16

Claim 16 has been rejected under 35 U.S.C. § 103(a) over Minter in view of LeMaitre as applied to claim 13, in further view of Liedtke (U.S. 6,271,932). The Examiner suggests that it would have been obvious to one of ordinary skill to add the computer program to instruct a computer system having a printer to print an identifier on a label as shown in Liedtke to the combination of Minter and LeMaitre.

Once again, the examiner does not point to a motivation to combine. And, since Liedtke is directed to a computerized labeling system for the horticultural sector (see p. 1, cols. 10-13) it is not particularly relevant to CD-ROM organizer systems. In addition, the proposed combination does not describe providing a label having a circular insert portion and an identifier tab extending from the insert portion, the identifier tab being visible from outside of the pocket when the insert portion is inserted in the pocket, as recited in independent claim 13. Applicant respectfully requests reconsideration and withdrawal of this rejection.

CONCLUSION

Applicant believes that all claims are in a condition for allowance.

Respectfully submitted,

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